

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,) 4:06CR3016
)
 v.)
)
ARMANDO GARCIA-DELACRUZ,) MEMORANDUM AND ORDER
)
 Defendant.)

The defendant has filed a motion under 28 U.S.C. Section 2255 to vacate, set aside, or correct his federal sentence. The court has entered the following order:

4. the defendant's request for letters, filing 192, is granted, and Magistrate Judge Piester shall copy and send to the defendant Armando Garcia De La Cruz, No. 20179047 at the Federal Correctional Institution, P.O. Box 3007 San Pedro, CA 90731, a copy of all letters referenced in Filing 170, 2:11-15 and referenced to in the letter from Magistrate Judge David L. Piester to Michael D. Nelson of October 17, 2006.

Filing No. 194, at p. 4, ¶ 4. District Judge Warren K. Urbom, presiding judge, has verbally advised Magistrate Judge Piester's chambers that the letters referenced in the paragraph above should also be made available to the government at this stage of the proceedings.

Attached hereto are the letters referred to by Judge Piester during the ex parte hearing held on October 27, 2006, (see, filing no. 170, 2:11-15), including the three letters received by Judge Piester's chambers on October 17, 2006 and forwarded to defendant's appointed counsel, Michael D. Nelson, that same date, and the letter received by his chambers on October 24, 2006, and provided to Mr. Nelson during the October 27, 2006 hearing.

In accordance with the order entered, (filing no. [194](#)), and the further direction provided by Judge Urbom:

- 1) The clerk shall publicly file this memorandum and order, but shall file the letters attached to this memorandum and order as restricted access documents; and
- 2) The clerk shall mail a copy of this memorandum and order, along with the attached letters, to the defendant Armando Garcia De La Cruz, No. 20179047 at the Federal Correctional Institution, P.O. Box 3007 San Pedro, CA 90731.

DATED this 22nd day of June, 2009.

BY THE COURT:

s/ Richard G. Kopf
Richard G. Kopf
United States District Judge, in the absence of
Magistrate Judge David L. Piester,
and with the agreement of Judge Urbom